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EXAMINER

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/738,329
Filing Date: December 18, 2000
Appellant(s): BEATON ET AL.

Kent Daniels
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed August 25, 2004.

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(1) *Real Party in Interest*

A statement identifying the real party in interest is contained in the brief.

(2) *Related Appeals and Interferences*

The brief does not contain a statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief. Therefore, it is presumed that there are none. The Board, however, may exercise its discretion to require an explicit statement as to the existence of any related appeals and interferences.

(3) *Status of Claims*

The statement of the status of the claims contained in the brief is correct.

(4) *Status of Amendments After Final*

No amendment after final has been filed.

(5) *Summary of Invention*

The summary of invention contained in the brief is correct.

(6) *Issues*

Are claims 1-47 properly rejected under 35 U.S.C. 103(a) as being unpatentable over Tang et al. (U.S. Patent No. 5,793,365) in view of Klein et al. (U.S. Patent No. 5,995,492)?

(7) *Grouping of Claims*

Claims 1-47 are stand or fall together as a group.

(8) *Claims Appealed*

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) *Prior Art of Record*

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5,793,365	Tang et al.	Aug. 11, 1998
5,995,492	Klein et al.	Nov. 30, 1999

(10) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tang et al. (U.S. Patent No. 5,793,365) in view of Klein et al. (U.S. Patent No. 5,995,492).

As to claim 1, Tang teaches a Graphical User Interface (GUI) adapted to facilitate collaboration between a team member and other members of a geographically dispersed team, the GUI comprising:

means for accessing respective preference and presence information concerning each member of the team maintained by a persistent collaboration services suite (col. 3 lines 32-41, col. 4 lines 14-28, and fig. 3);

a first graphical display including a representation of the preference and presence information respecting each of the other members of the team (figs. 1A-8); and

means for initiating a selected one of a plurality of types of communications (col. 4 lines 14-28); however, Tang does not clearly show in details how each member of the team communicates over at least a Switched Telephone Network (STN). Klein clearly shows virtual

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switching point in a public switched telephone (col. 17 lines 64-67, col. 18 lines 1-28 and fig. 1) to switch from one telephone to a different telephone. It would have been obvious at the time of the invention that a person with ordinary skill in the art would want to have Klein's virtual switching feature in Tang's communication devices in order to provide an ultimate implementation when user can manually control virtual switches.

As to claim 2, Tang teaches a GUI as claimed in claim 1, wherein the types of communications comprise: 1-way messaging (error message, col. 14 lines 46-52); 2-way messaging; voice; and multi-media (col. 13 lines 1-12, col. 14 line 18).

As to claim 3, Tang inherently teaches a GUI as claimed in claim 2, wherein 1-way messaging comprises one or more of paging because Tang's operating environment uses video, audio, microphone, email, and the like in communications between team members (col. 13 lines 5-12, col. 14 lines 15-18, and figs. 3, 5-6, and 8); therefore, users can setup the email to page them whenever new messages or important news arrive to their personal devices such as: PDAs, cellular phones, pagers, or the like.

As to claim 4, Tang teaches GUI as claimed in claim 2, wherein 2-way messaging comprises instant messaging (error message, col. 14 lines 46-50, reflect status, col. 5 lines 59-61).

As to claim 5, Tang teaches a GUI as claimed in claim 2, wherein multi-media communications comprises one or more of: document sharing; application sharing (col. 3 lines 59-67); 1-way video conferencing; and 2-way video conferencing (video conference, col. 8 lines 1-28).

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As to claim 6, Tang teaches a GUI as claimed in claim 1, further comprising means for enabling the team member to interact with the persistent collaboration services suite to update at least the preference information respecting the team member (col. 14 lines 59-67, col. 15 lines 1-13, update the chat room, col. 11 lines 37-52).

As to claim 7, Tang teaches a GUI as claimed in claim 6, wherein the preference information comprises information identifying a communications device selected by the team member as a preferred communications device for participation in the respective one of the plurality of types of communications (col. 3 lines 59-67, and figs. 3, 5, and 7).

As to claim 8, Tang teaches a GUI as claimed in claim 6, wherein the preference information comprises an indication that the team member does not wish to participate in the respective one of the plurality of types of communications (Do Not Disturb, figs. 1A, and 2).

As to claim 9, Tang teaches a GUI as claimed in claim 1, wherein an instance of the GUI is implemented for each member of the team, and the representation of the preference and presence information respecting each member of the team is substantially identical in each instance of the GUI (user of the same, col. 14 lines 40-53).

As to claim 10, Tang teaches a GUI as claimed in claim 1, wherein the preference and presence information is indicative of an ability of each team member to participate in each one of the plurality of types of communications (fig. 3, and 7-8).

As to claim 11, Tang teaches a GUI as claimed in claim 10, wherein the first graphical display comprises one or more icons representing the preference and presence information concerning a respective team member (icon, col. 5 lines 20-28 and figs. 1A-5).

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As to claim 12, Tang teaches a GUI as claimed in claim 11, wherein each icon is a composite icon comprising one or more of:

a communications type icon element representing a respective one of the plurality of types of communications (fig. 3); and

a presence icon element representing a current activity of the respective team member (figs. 7-8).

As to claim 13, Tang teaches a GUI as claimed in claim 12, wherein the communications type icon element is further representative of preference information indicative of preferences of the respective team member for participation in the respective one of the plurality of types of communications (figs. 3, and 7-8).

As to claim 14, Tang teaches a GUI as claimed in claim 13, wherein the preference information is defined by the respective team member (col. 10 lines 51-67 and fig. 9).

As to claim 15, Tang teaches a GUI as claimed in claim 14, wherein the preference information comprises information identifying a communications device selected by the respective team member as a preferred communications device for participation in the respective one of the plurality of types of communications (col. 3 lines 59-67, and figs. 3, 5, and 7).

As to claim 16, Tang teaches a GUI as claimed in claim 14, wherein the preference information comprises an indication that the respective team member does not wish to participate in the respective one of the plurality of types of communications (Do Not Disturb, figs. 1A, and 2).

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As to claim 17, Tang teaches a GUI as claimed in claim 12, wherein the presence icon element is selected on a basis of presence information indicative of the activity of the respective team member (fig. 1A, 2, and 7).

As to claim 18, Tang teaches a GUI as claimed in claim 17, wherein the presence information is automatically acquired by the persistent collaboration services suite (col. 6 lines 51-62).

As to claim 19, Tang teaches a GUI as claimed in claim 18, wherein the persistent collaboration services suite is adapted to acquire the presence information by detecting an operational status of a communications device selected by the respective team member as a preferred communications device for participation in the respective one of the plurality of types of communications (figs. 1A-B, 3, and 7-8).

As to claim 20, Tang teaches a GUI as claimed in claim 19, wherein the operational status comprises one of:

an In-Use status indicating that the preferred communications device has been used within a first predetermined period (col. 5 lines 59-62 and fig. 1A, 2, and 7);

an Idle status indicating that the preferred communications device has not been used within a second predetermined period (col. 5 lines 64-67 and figs. 1A, 2, and 7); and

an inaccessible status indicating that the collaboration services suite is unable to detect the operational status of the preferred communications device (Out of Office of fig. 2).

As to claim 21, Tang teaches a GUI as claimed in claim 11, wherein the means for initiating a selected one of the plurality of types of communications is responsive to selection of

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an icon to initiate the respective type of communications represented by the communications type icon element (figs. 1B, 3, and 7).

As to claim 22, Tang teaches a GUI as claimed in claim 1, further comprising a second graphical display including session information respecting one or more active communications sessions between members of the team (fig. 8).

As to claim 23, Tang teaches a GUI as claimed in claim 22, wherein the session information comprises any one or more of:

- a session type of the active communications session (fig. 9); and
- a participant list identifying each team member participating in the active communications session (figs. 3, 8-9).

As to claim 24, Tang teaches a GUI as claimed in claim 23, wherein the session type of the active communications sessions comprises any one of: text, voice and multi-media (col. 4 lines 14-28).

As to claim 25, Tang teaches a GUI as claimed in claim 23, wherein the second graphical display comprises a session icon representing the session type of the active communications session (figs. 7-8).

As to claim 26, Tang teaches a GUI as claimed in claim 25, wherein the session icon is selected from a library of icons comprising at least one icon for each of text, voice and multimedia (fig. 3).

As to claim 27, Tang teaches a GUI as claimed in claim 25, wherein the GUI is adapted to enable the team member to join an active communications session using the respective session icon (Join 46 of fig. 9).

As to claim 28, Tang teaches a GUI as claimed in claim 1, wherein the GUI further comprises a third graphical display including one or more team bulletins (fig. 6).

As to claim 29, Tang inherently teaches a GUI as claimed in claim 28, wherein the third graphical display comprises any one or more of: information concerning each team bulletin;

means enabling the team member to edit a team bulletin; and means enabling the team member to post a new team bulletin because Tang's Messages of the Day are displayed to all team members must be updated (posted or edited) by anyone of the team members (col. 8 lines 52-57) or whoever in charge of the activity (element 26 of fig. 5-7).

As to claim 30, Tang teaches a GUI as claimed in claim 29, wherein further comprising means for forwarding each one of posted and edited team bulletins to the collaboration services suite (col. 8 lines 52-57).

As to claim 31, Tang teaches a GUI as claimed in claim 1, wherein the GUI further comprises a fourth graphical display representing a communications session between the team member and one or more other parties to the communications session (figs. 5 and 8).

As to claim 32, Tang teaches a GUI as claimed in claim 31, wherein the one or more other parties to the communications session comprises at least one other member of the team (figs. 1A and 4).

As to claim 33, Tang teaches a GUI as claimed in claim 31, wherein the one or more other parties to the communications session comprises at least one person who is not a member of the team (Based on identification information (col. 11 lines 38-45) of any team member who is displayed on Info screen 29 of fig. 1B, other members can easily define that displayed member is belong or not to the team).

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As to claim 34, Tang teaches a GUI as claimed in claim 31, wherein the communications session comprises an exchange of any one or more of: text, voice and multi-media data content between the parties to the communications session (chat room, col. 9 lines 38-55).

As to claim 35, Tang teaches a GUI as claimed in claim 31, wherein the fourth graphical display comprises session information comprising any one or more of:

a session identifier; text information of a session topic; information identifying an initiating team member who initiated the communications session; information concerning each party to the communications session; a session start time; text information of at least one session note; information concerning a document shared between parties in the communications session (figs. 3, 5-9).

As to claim 36, Tang teaches a GUI as claimed in claim 35, wherein the session topic is defined by an initiating team member who initiated the communications session (it can be rejected under similar rationale as claim 33 above).

As to claim 37, Tang teaches a GUI as claimed in claim 35, wherein the GUI is adapted to enable the user to change the text information of at least one session note during the communications session (chat room, col. 9 lines 38-55).

As to claim 38, Tang teaches a GUI as claimed in claim 37, wherein GUI is adapted to enable the user to change the text information of at least one session note by either one or both of: editing an existing session note and adding a new session note (it can be rejected under similar rationale as claim 33 above).

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As to claim 39, Tang teaches a GUI as claimed in claim 37, wherein a change in the text information of at least one session note effected by the user is replicated to each of the parties to the communications session (col. 8 lines 52-57).

As to claim 40, Tang teaches a GUI as claimed in claim 35, wherein the information identifying a shared document comprises any one or more of:

a document ID identifying the shared document (The documents and files (col. 3 lines 59-67 and col. 4 lines 1-14) must be provided file names and locations where they are stored in order to retrieve for sending, editing, viewing, etc.); an address identifying a location of the shared document; and a web-link enabling the user to access the shared document through a network.

As to claim 41, Tang teaches a GUI as claimed in claim 35, wherein the communications session comprises an exchange of multi-media data content, and the session information further comprises information concerning real-time events exchanged during the communications session (fig. 6).

As to claim 42, Tang inherently teaches a GUI as claimed in claim 31, wherein the GUI is adapted to enable the user to invite a new party to join the communications session because Tang's operating environment uses video, audio, microphone, email, and the like in communications between team members (col. 13 lines 5-12, col. 14 lines 15-18, and figs. 3, 5-6, and 8); therefore, users can setup the email to send new messages or important news arrive to all other teams (or new teams) throughout a Network.

As to claim 43, Tang teaches the operating environment uses video, audio, microphone, email, and the like in communications between team members (col. 13 lines 5-12, col. 14 lines

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15-18, and figs. 3, 5-6, and 8); therefore, users can setup the email to send new messages or important news arrive to all other teams (or new teams) throughout a Network.

As to claim 44, it can be rejected under similar rationale as claim 43 above.

As to claim 45, it can be rejected under similar rationale as claim 43 above.

As to claim 46, Tang teaches a GUI as claimed in claim 44, wherein the contact information concerning the new party is contained in a contact directory accessible by the team member (chat room directory, col. 10 lines 51-67 and fig. 9).

As to claim 47, Tang teaches a GUI as claimed in claim 46, wherein the contact directory comprises any one or more of:

a personal contact directory maintained by the team member; an enterprise directory maintained by an enterprise; and a public directory (col. 10 lines 51-67 and fig. 9).

(11) Response to Argument

Appellant has argued that Tang fails to teach or suggest that the system can support communications over a Switched Telephone Network (STN), and the Examiner has not attempted to show any relationship between the references when combining them as claimed. The Examiner strongly disagrees with the Appellant because Tang clearly teaches the usages of email, chat, Instant Messaging, audio/video conference, and also telephone use (e.g., col. 6 lines 47-59, and col. 8 lines 8-14), and the system automatically switches to other available devices if the current application device is not available to that user (e.g. col. 14 lines 45-51), and each computer or device of the workgroup members must be connected to the network such as LAN, WAN, and the Internet to be able to communicate with others throughout the Network (e.g. col. 11 lines 5-57, and fig. 10 shows the computer 101 has to connect the Network 123 by cable, dial-

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up (phone line), or different kinds of connection lines to be able to communicate with others throughout the Network). Based on those strongly supported evidences as stated above, Tang clearly suggests the usage of telephone lines for connecting the users with the Network in the invention. It is also well known in the art that client computers are coupled to the Internet through computer's modems which connect to telephone lines, and the telephone lines must connect to Public Switch Telephone Network (PSTN) (including service switching point (SSP) or a virtual switching point) which provides access to Internet providers such as AOL, Netcom, Netzero, etc. via the telephone lines; therefore, the Examiner strongly agrees that Tang clearly teaches and suggests using telephone lines in the invention, and the Switch Telephone Network of Klein is just bringing more detail evidences showing the usage/connection between the telephone lines and the Network. It would have been obvious at the time of the invention, a person with ordinary skill in the art would want to modify the communication system of Tang to provide an ultimate implementation when user can manually/automatically control the switches to the telephones having the best received signals mentioned as the main invention of Klein (Klein, Abstract, col. 7 lines 34-46, and fig. 1); moreover, Klein clearly teaches the switch control features can be modified on a keypad of a telephone (virtual switches on a telephone, col. 17 line 64-col. 18 line 27) to switch/change and transfer of a conventional land-based telephone.

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For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Truc T. Chuong
Patent Examiner, AU 2179
March 3, 2005



Conferees
SPE. Joseph Feild
Appeal Panel Member



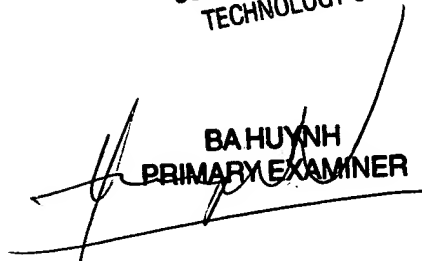
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